

## **REMARKS**

### **I. Status of Claims**

The Applicants have carefully considered the Office Action dated November 13, 2008, and the references it cites. Currently, claims 1-9 are pending in this application. The Examiner rejects:

- claims 1-3, 8, and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2004/0228315 to Malkamaki (*Malkamaki*) in view of U.S. Patent Publication No. 2003/0210668, now U.S. Patent No. 7,352,722 to Malladi et al. (*Malladi*); and
- claims 4-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Malkamaki* in view of *Malladi* and in further view of U.S. Patent Publication No. 2005/0041626 to Tirola et al. (*Tirola*).

In response, the Applicants submit the foregoing amendments and the following remarks. The Applicants respectfully submit the foregoing claim amendments are provided to clarify the intended scope of the claims and, as such, no estoppel is created.

### **II. Claim Rejections Under 35 U.S.C. § 103(a)**

Claim 1 recites a method for supporting pilot boost to the uplink dedicated channels comprising, *inter alia*, transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI, adjusting an uplink pilot power boosting amplitude by the UE according to the E-TFCI, and performing an uplink inner loop power control by the Node B according to a measured SIR.

The Applicants respectfully submit that the alleged combination fails to teach or suggest transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI. In the Office Action, the Examiner contends that *Malkamaki* teaches transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI. However, FIG. 2 of *Malkamaki* illustrates that the dedicated physical data channel (DPDCH) and the dedicated physical control channel (DPCCH) of an uplink channel are transmitted in the same frame. Specifically, *Malkamaki* sets forth that:

[i]n the uplink direction, the data and control part are IQ-multiplexed, i.e., the user data of the DPDCH is transmitted using the I-branch and the control data of the dedicated physical control channel (DPCCH) is transmitted using the Q-branch.

See *Malkamaki at [0036]*. Further, “[t]he TFCI indicates that the [traffic format combination] used in this radio frame”, which is used to decode the information in the DPDCH frame. See *Malkamaki at [0047]*. Stated differently, *Malkamaki* describes that the TFCI of the DPCCH is transmitted at the same time as the DPDCH. Accordingly, *Malkamaki* is not analogous to claim 1, which recites transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI.

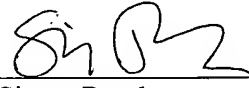
Further, the Applicants submit that *Malladi* does not describe transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI. *Malladi* merely discloses “a transport format combination indicator (TFCI) field used to send instantaneous parameters (e.g., the bit rate, channelization code, and so on) of the transport channels multiplexed on the uplink DPDCH[.]” See *Malladi at [0054]*. Further, *Malladi* states that “data for the uplink DPCH, pilot data, and feedback information are processed ... by a transmit (TX) data processor 742, further processed ... by a modulator (MOD) 744, and conditioned ... by a transmitter unit 746 to provide an uplink signal.” See *Malladi at [0096]*. Accordingly, *Malladi* is not analogous to claim 1, which recites transmitting an E-TFCI to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCI.

Accordingly, *Malladi* does not cure at least the above-noted deficiencies of *Malkamaki*. Likewise, *Tirola* does not cure the at least above-noted deficiencies of *Malladi* and *Malkamaki*. Thus, for at least the foregoing reasons, claim 1 and all claims depending therefrom would not have been obvious from *Malkamaki* applied alone or in any reasonable combination with *Malladi*.

### **III. Conclusion**

The Applicants submit that the above amendments and arguments are fully responsive to the Office Action dated November 13, 2008. Further, the Applicants submit that, for at least the foregoing reasons, all pending claims are in condition for allowance and notice to that effect is requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Simon Booth', written over a horizontal line.

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